

REMARKS

Claims 73-102 were pending in this application. Claims 73 and 98-102 have been amended, and new claim 103 has been added. Support for the amendment to claim 102 can be found in the specification at page 18, line 30 to page 19, line 7. Claims 73-103 will be pending upon entry of the instant amendment. No new matter has been added.

Amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. Applicant reserves the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has required restriction between the following inventions in the above-identified application:

Group I: Claims 73-101 drawn to a method of treating infertility in a female mammal comprising administering a pharmaceutical agent comprising a gonadotrophin releasing hormone (GnRH) agonist; or

Group II: Claim 102 drawn to a kit for the treatment of infertility in female mammals comprising a pharmaceutical agent comprising a (GnRH) agonist and at least one additional agents.

In response, Applicant hereby traverses this restriction in view of the amended claims. Claim 102 has been amended to specify a kit comprising a pharmaceutical agent comprising a GnRH agonist which supports luteal phase, formulated in a dosage and unit required for one cycle of treatment; and packaging which indicates that the GnRH agonist is administered to the female mammal either after a spontaneous ovulation or after stimulation of follicular growth and induction of final follicular maturation and ovulation. In view of the amendment to claim 102, Applicant submits that claim 102 (and new claim 103) has unity of invention with Group I, as claims 73-103 correspond to the same technical features and are connected in design, operation, and/or effect because claims 73-103 do not differ in method steps, parameters, and reagents

used. Applicant respectfully requests that the Examiner reconsider the restriction of Groups I and II in view of the amendment to claim 102. In order to be responsive, however, Applicant hereby elects Group I.

SPECIES ELECTION

The Examiner has also required that Applicant elect the following species:

The Examiner has indicated that Applicant must elect a species of GnRH agonist listed in claim 78 (Species I). Applicant hereby elects “a synthetic peptide agonist of GnRH.” The Examiner has indicated that if “a synthetic peptide agonist of GnRH” is elected, Applicant must further elect a synthetic peptide listed in claim 79. Applicant hereby elects “buserelin.”

The Examiner has indicated that Applicant must elect a species of pharmaceutical agents listed in claims 82, 90, and 93 (Species II). With respect to claim 82, Applicant hereby elects “natural progesterone.” With respect to claim 90, Applicant hereby elects “recombinant FSH”. With respect to claim 93, Applicant hereby elects “hCG.”

Lastly, the Examiner has required Applicant to elect a species of cytokine listed in claims 83 and 84. Applicant hereby elects “native Leukemia Inhibitory Factor (LIF)”.

Claims that read on the elected species include claims 72-93 and 95-101. If the Examiner regroups Groups I and II, as requested above, claims 72-93 and 95-103 will read on the elected species.

With respect to the elected species, it is Applicant’s understanding that the election of a species and specific species is for searching purposes only. It is also Applicant’s understanding that upon allowance of the elected claims, the generic claims also will be searched and Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Applicant hereby reserves the right to traverse the species and specific species elections if Applicant’s understanding is incorrect.

The Examiner has also indicated that Applicant must elect a species of a physiologically active protein, which is granulocyte colony-stimulating factor (G-CSF) as described in claim 5 (referred to as “Species II” in the Office Action). Applicant requests clarification with respect to this species election, as claim 5 has been cancelled and the pending claims do not recite a G-CSF.

SUMMARY

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues, or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400. Please charge any additional fees or credit any overpayments to our Deposit Account No. 12-0080, under Order No. KZI-001US from which the undersigned is authorized to draw.

Dated: January 29, 2008

Respectfully submitted,

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